

**COMMITTEE ON FINANCE**  
**(Standing Committee of Berkeley County Council)**

**Chairman:** Mr. Jack H. Schurlknight, Council Member District No. 6

A **meeting** of the **Committee on Finance**, Standing Committee of Berkeley County Council, was held on Monday, **November 23, 2009**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:14 p.m.

PRESENT: Chairman Jack H. Schurlknight, Council District No. 6; Committee Member Phillip Farley, Council District No. 1; Committee Member Timothy J. Callanan, Council District No. 2; Committee Member Robert O. Call, Jr., Council District No. 3; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Dennis L. Fish, Council District No. 5; Committee Member Steve C. Davis, Council District No. 8; County Supervisor Daniel W. Davis, ex officio; Mrs. Nicole Scott Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Committee Member Caldwell Pinckney, Jr., Council District No. 7, was excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Schurlknight called the meeting to order.

**APPROVAL OF MINUTES**

Chairman Schurlknight asked for approval of minutes from meetings of the Committee on Finance held October 12, 2009 and October 26, 2009.

It was moved by Committee Member Callanan and seconded by Committee Member Fish to **approve the minutes** as presented.

Committee Member Fish questioned, "Mr. Chairman, I understand there's some addition to the minutes that need to be corrected on the – which one is that?"

Chairman Schurlknight responded, "On the 28<sup>th</sup>. That's coming up next. I just want to get these two out the way, and we'll go to that one."

The motion passed by unanimous voice vote of the Committee.

Chairman Schurlknight stated, "Next on the agenda is the September 28<sup>th</sup> Finance Minutes, as I understand, needs to be addressed with some clarification. I think that we had sent those e-mails out today, and also, they are in your packets. Do we have any kind of questions about those?"

Committee Member Fish stated, “Mr. Chairman, I am going to recommend – I think, you know, there’s some – when people speak on the record that our staff puts those to writing, we should stick to that. I would suggest that if there’s some clarification, that it simply be added as a statement, an addendum to the minutes, because you can’t change what’s being stated on the record.”

Chairman Schurlknight questioned, “Is that a motion, Mr. Fish?”

Committee Member Fish questioned, “That requires a motion to do that?”

Chairman Schurlknight questioned, “To accept the changes?”

Ms. Barbara Austin, Clerk of Council, responded, but her response was inaudible.

Chairman Schurlknight questioned, “Do I have any other discussion on the changes?”

Committee Member Fish responded, “When I read this over, what I see doesn’t really change the intent. It just corrects some statements that she had made in the record. From the way I read it, it doesn’t change the intent of what we had approved and what the thing was about.”

Chairman Schurlknight stated, “Right. I think it’s more on the clarification side, and I think, at our last meeting, some of this stuff was taken care of at the full Council with those minutes, and we just needed to follow up with our Committee minutes. It’s more of a clarification. I don’t see where its changed any kind of intent. Any other discussion?”

Supervisor Daniel Davis questioned, “I think we – don’t we need to read those into the record and ask for a motion to amend the minutes.”

Ms. Austin responded, but her response was inaudible.

Chairman Schurlknight stated, “OK, on the Finance Committee Minutes for September 28<sup>th</sup>, the changes would be in Option 2, Line 1, ‘Continue to pay the same amounts in 2010 that we paid and/or the entire cost of the premium, whichever is lower’; Option 3, Line 1, ‘*pay the Berkeley County employer state rate, plus \$100.00*’; Option 3, Line 2, ‘*this option would make the Standard Plan free to employees who select the employee only plan*’; Page 4, HMO/Cigna, Line 1, ‘*the state has negotiated significant*’; Line 2, ‘*in general, employees who select other than an employee only plan has always had to bear some of the cost*’, and we would delete the rest of that line.”

Committee Member Fish questioned, “Mr. Chairman, just for clarification, these minutes are not going to be corrected. This will be what we stated as an addendum to the minutes, right? The original record will stand?”

Chairman Schurlknight responded, "Right."

Mrs. Nicole Ewing responded, "No; that is incorrect. The proposal is to actually amend the minutes. That is what, I believe, Mr. Schurlknight has a – that is my understanding of the intent of Mr. Schurlknight's action tonight, is to actually amend the minutes to make them in line with the full Council minutes. If that is not correct, it needs to be clarified."

Committee Member Fish stated, "This is where I have a problem with. How do you amend something that was stated on the record? I would ask that this be a clarification to the minutes. What you are doing now is going back, recreating a meeting and putting in the minutes what you want in there."

Mrs. Ewing responded, "I have not listened to the tape of the meeting, so I do not know if these..."

Committee Member Fish stated, "Whoever's recommending the changing."

Mrs. Ewing asked, "Pardon?"

Committee Member Fish responded, "Whoever's recommending the changes, what you are recommending is that we go back and change what's actually said. I understand the clarification, but if you go back and change the meeting to say this, then you are changing what was actually stated on the record. And, I don't agree with that."

Mrs. Ewing stated, "That is correct. The minutes should reflect what was actually stated on the record."

Committee Member Fish questioned, "So we shouldn't be changing/deleting the rest of the statement then?"

Mrs. Ewing responded, "I would have to listen to the tape to compare the suggested changes to the original tape. I have not listened to the original tape."

Chairman Schurlknight stated, "Counsel, if we did an amendment to the minutes, would that be doing the same thing that we are trying to get accomplished as far as clarification – just do it by amendment to the minutes. Would that change in the actual minutes? Would we still be accomplishing the same thing?"

Mrs. Ewing responded, "If Council wanted to submit some sort of supplemental documentation in the minutes for clarification that would be acceptable. There is a difference between amending and supplementing. We just need to be clear as to what we are actually doing."

Chairman Schurlknight questioned, "Would it accomplish what we need to accomplish as far as clarification?"

Mrs. Ewing responded, "It would clarify, but it depends on what Council's intent is. If Council's intent is to amend the minutes to actually reflect what was said at the meeting, then you need an amendment to the minutes. If the intent is to clarify, then a supplemental statement would suffice."

Chairman Schurlknight stated, "I think, the general intent of Council would be to do an amendment and not change the actual minutes of Council of that meeting, to let those reflect and also have an amendment attached too, giving clarification or correcting those minutes. I think that is the intent of what Council was wanting."

Mrs. Ewing stated, "Then you want a supplemental statement and not an amendment."

Chairman Schurlknight stated, "Just tell me what we need to do to make it legal. That's all I'm asking."

Ms. Austin stated, "Mr. Chairman, as I understand the proper way to correct and/or amend minutes is to line through what was originally said and then add what ya'll are attempting to state here. The original minutes will never go away, but there will be, if you can visualize with me, a line through what was stated at the meeting."

Mrs. Ewing stated, "The question right now is whether to amend the minutes or to submit a supplemental statement or a supplemental clarification. Again, it's Council's – it depends on what Council's intent is. If the minutes do not currently reflect what was stated on the record, then they need to be amended. If they do currently state what was said on the record, and Council wishes to clarify by providing additional information, then a supplemental statement is sufficient. I can't tell you which one to do, because I have not listened to the tape to know whether or not these minutes reflect what was actually said."

Committee Member Steve Davis asked, "Mr. Chairman, were the minutes verbatim in the sense that everything that was said actually was recorded?"

Committee Member Fish responded, "That's correct."

Chairman Schurlknight responded, "That's correct."

Committee Member Steve Davis questioned, "Therefore, apparently, there was a point where the minutes were altered in a sense of what? Why wouldn't we just have the verbatim text from the minutes, word for word, what was said? That's what we do in court. Everything that is said is taken down."

Ms. Austin responded, "Mr. Davis, we have listened to the minutes after we got the suggestions, the recommendations for change, and they are almost word for word."

Now, we will correct them, we will amend them in any fashion that ya'll deem it necessary, but most of those minutes are word for word."

Committee Member Fish stated, "Mr. Chairman, I agree with Mr. Davis. What I would recommend we do is just do an addendum just to clarify those statements."

Committee Member Cathy Davis stated, "Don't change them."

Committee Member Steve Davis stated, "If it was said, and it was recorded, then that should reflect the minutes, and then we can go back and make a supplemental, Ms. Attorney, but not this process where I think we're headed now, because it serves no purpose if you have a verbatim record, and then we're inserting something that wasn't said. That's not what we should be about."

Ms. Ewing stated, "Mr. Davis, yes; and as I understand it, the process for amending the minutes, and certainly if someone's more educated on Parliamentary Procedure, please feel free to stand up and give me advise on that, because I'm not the expert on it without having to do some more research; but, it's my understanding, for instance, if someone actually said Council will meet on September 25<sup>th</sup>, and we wrote down Council will meet on October 25<sup>th</sup>, then you would want to go back and amend the minutes to reflect that actually, that September 25<sup>th</sup>."

Committee Member Steve Davis responded, "Yes, because an error was made."

Ms. Ewing responded, "Correct."

Committee Member Steve Davis stated, "But, these are not errors that were made. These were things that were left out, apparently, or for whatever reason, or clarifications."

Ms. Ewing responded, "That I cannot speak to. I, personally, have not listened to the tape, so I do not know whether the minutes are accurate as written, or if these changes need to be made."

Chairman Schurlknight responded, "Thank you, Ma'am."

Committee Member Steve Davis stated, "I move that we table this matter until we can get further clarification. That would be my motion to table it at this time."

Ms. Ewing stated, "Mr. Davis, I do believe that simply by just adding a statement specifying what I believe the intent was, and making it a little clearer as to the action that Council actually adopted would be sufficient; and, if the Clerk of Council would be so kind as to attach it to these minutes. I think that serves the same purpose, unless there is a need to research it further, and come back, and revisit it, but I think we can put the issue to bed tonight."

Committee Member Steve Davis asked, “Madame Clerk, what would be best for you?”

Ms. Austin stated, “To make corrections to original minutes, as I referred just now, to change those minutes in any manner, we will go through and line through what ya’ll are saying is incorrect or not accurate, as you stated just now. Then we would come down and add the language that they are recommending, but the original minutes never go away.”

Committee Member Call asked, “Why can’t we just read into the minutes tonight what we intended that to be and have a phrase in it that it takes the place of the reported minutes from the last meeting? Just read the whole thing into the record, and be through with it. Maybe, you’d want to do something to repeal the other minutes, I don’t know.”

Committee Member Fish stated, “I would not say replace it. I would just say make this an addendum to it.”

Committee Member Farley stated, “When you say the intent – if one of us makes a statement, and we ask everyone out here to give us what they thought the intent was, we’re gonna have ten different intents. I mean that’s – they’re gonna say, ‘well, that’s what he meant to say’, and say, ‘no, this is what he meant to say’, and ‘this is what he said’, because everybody is going to interpret it differently. I think the minutes, as they are stated in the record, are the minutes that we need to go by, and if there is anything that we want to supplement, not correct, but supplement, I think that we can do this. As far as saying the intent, who knows? One person can say something of what they intend, but it might not be the consensus of the eight Members of Council and the Supervisor.”

Ms. Ewing stated, “Mr. Farley, that’s why each individual Member of Council is asked to review the minutes and make sure that what is written down is actually what they said and what they intended. And, that’s why staff is also reviewing minutes to make sure that what they said and what was intended to be said is recorded accurately. So, each Council Member can determine the intent of their statement, and make sure that it was accurately recorded.”

Committee Member Steve Davis stated, “But, it still should be a verbatim – the verbatim language should remain; and all we should do as a Council is make a supplement in relationship to that, but if it is recorded, it should be verbatim, and we should be able to read it, and go back, and read what was said or heard, and then, on the end, you can put a supplemental addressing a different concern, alteration; but, I’m hesitant to anything that changes a verbatim recording of what County Council has stated in the minutes.”

Chairman Schurlknight stated, “OK; thank ya’ll for that input. I think what I want to do is give this back to Barbara and the Clerk’s Office, and ya’ll go through and strike out the language, and have something ready for our next meeting, our next Finance Committee Meeting. Ms. Barbara, can ya’ll handle that?”

Chairman Schurlknight continued, "OK; if ya'll can do that for us. Submit it back, and we'll take a look at it again at that point."

Committee Member Fish stated, "Mr. Chairman, I'm not sure I agree with that. I don't like the idea of striking through, because then, to me, it takes on a connotation. If I go back and look at prior records, and you see a striked out line, then it changes that. I really prefer we see the two pages that was sent to us be simply added to these minutes as an addendum to clarify those minutes, period."

Committee Member Steve Davis stated, "I support that too, Mr. Fish."

Committee Member Fish stated, "In fact, I would make that a motion, that we accept these two pages as an addendum to these minutes to be added verbatim, and let the reader then move those in there."

It was so moved by Committee Member Fish and seconded by Committee Member Steve Davis for the two pages provided to Council earlier this night to be accepted as an addendum to the minutes of the Finance Committee Meeting held September 28, 2009. The motion passed by unanimous voice vote of the Committee.

**A. Consideration** of a **resolution** providing that under certain conditions, Berkeley County will enter into an agreement, pursuant to Title 12, Chapter 44, of the Code of Laws of South Carolina, with **American Synthetics, LP**.

It was moved by Committee Member Fish and seconded by Committee Member Callanan to **approve** consideration of the **resolution** providing for Berkeley County to enter into an agreement with **American Synthetics, LP**.

Mr. Gene Butler, Economic Development Director, stated, "I don't know if ya'll had any questions, Mr. Chairman."

Chairman Schurlknight asked, "Do we have any questions?"

Committee Member Callanan asked, "This is the dog food bag company?"

Mr. Butler responded, "It is. It is a company that opened in February of this year in the form of Rapid Granulator in Crowfield Park."

Committee Member Callanan asked, "And they're expanding faster than expected?"

Mr. Butler responded, "They are. They are ramping up a little bit, and they're growing and wanted to include their future growth in a fee negotiated if we can do that."

Committee Member Callanan stated, "I see no reason why we should stand in their way."

Chairman Schurlknight stated, "Yeah; that's a good story for Berkeley County. They are talking \$2,000,000 to \$3,000,000 a year for the next three years, and new machinery, equipment, and that means more jobs for us. They're doing a great job with that."

Supervisor Daniel Davis stated, "Because we need to get this agreement executed, I think, it's by the end of the year, in order to accommodate them, we are going to need one Special Meeting, which we can accomplish by telephone conference. So, we've set a date of December 7<sup>th</sup>, at 4:00 o'clock, and it would be just this one item just for this extra reading. So, does anybody have any problem with, again, by telephone conference, December 7<sup>th</sup>, at 4:00 p.m.?"

Committee Member Farley questioned, "That's a Monday?"

Supervisor Daniel Davis responded, "It is."

Chairman Schurlknight questioned, "You think that will work?"

The Committee was in favor of this method to hold a Special Meeting.

Supervisor Daniel Davis stated, "Alright; we'll set that up."

Chairman Schurlknight responded, "OK; that will be fine."

Mr. Butler continued, "Mr. Chairman, we wanted to also include this property in a multi-county park, as well as a fee agreement."

Chairman Schurlknight responded, "OK."

Committee Member Callanan questioned, "For a Special Meeting, you mean?"

Mr. Butler responded, "No, no, no; this all could be included in the vote you are going through now."

Ms. Ewing stated, "We just wanted to give you a heads up. You guys have seen the list for the multi-county park that we adopt every year. The company just asks that we include this property in the multi-county park, as well. It is up for Third Reading on December 14<sup>th</sup>, so you will see it added to the list, as well."

Chairman Schurlknight responded, "Great."

The motion passed by unanimous voice vote of the Committee.



**B. Consideration prior to First Reading** of an **ordinance** authorizing the execution and delivery of a **fee agreement** between Berkeley County, South Carolina, and **American Synthetics Corporation, LP**, and matters relating thereto.

It was moved by Committee Member Farley and seconded by Committee Member Fish to **approve** consideration, prior to **First Reading**, of an **ordinance** authorizing execution and delivery of a **fee agreement** between Berkeley County and **American Synthetics Corporation, LP**. The motion passed by unanimous voice vote of the Committee.

**C. Review prior to Second Reading** of **Bill No. 09-48**, an **ordinance** to **amend** the Agreement for Development of a **Joint County Industrial Park**, executed on April 24, 1995, by and among Berkeley County, South Carolina, and **Williamsburg County**, South Carolina, providing for the development of a jointly owned and operated Industrial/Business Park so as to include additional property in both Berkeley County and Williamsburg County as part of the Joint County Industrial Park, and other matters related thereto.

It was moved by Committee Member Steve Davis and seconded by Committee Member Callanan to **approve** review, prior to **Second Reading**, of **Bill No. 09-48**. The motion passed by unanimous voice vote of the Committee.

**D. Review prior to Third Reading** of the following:

**1. Bill No. 09-43**, an **ordinance** amending Ordinance Number 09-07-35, providing for the fiscal year beginning July 1, 2009 and ending June 30, 2010 for the **Tall Pines Special Tax District** revenues and expenditures.

It was moved by Committee Member Fish and seconded by Committee Member Callanan to **approve** review, prior to **Third Reading**, of **Bill No. 09-43**. The motion passed by unanimous voice vote of the Committee.

**2. Bill No. 09-44**, an **ordinance** authorizing the execution and delivery of a **fee agreement** between Berkeley County, South Carolina, and **Joseph T. Ryerson & Son, Inc.**; and matters relating thereto.

It was moved by Committee Member Callanan and seconded by Committee Member Cathy Davis to **approve** review, prior to **Third Reading**, of **Bill No. 09-44**. The motion passed by unanimous voice vote of the Committee.

It was moved by Committee Member Callanan and seconded by Committee Member Fish to **adjourn** the meeting of the Committee on Finance. The motion passed by unanimous voice vote of the Committee.

Meeting adjourned at 6:34 p.m.

December 14, 2009  
Date Approved